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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,289	04/08/2004	Robert M. Andres	2003P11152US01; 60426-645	8613
24500 7590 01/03/2007 SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			EXAMINER DUNN, DAVID R	
			ART UNIT	PAPER NUMBER
			3636	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/820,289

Applicant(s)

ANDRES, ROBERT M.

Examiner

David Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to the amendment filed October 10, 2006.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagao et al. (6,594,570) alone.

Nagao et al. teaches that it is old and well known to desensitize (i.e., turn off) a side air bag (11, 13) system if the vehicle is traveling below a predetermined speed (see, for example, column 17, lines 24-26). Nagao et al. teaches various deployment algorithms (see for example, Figure 6 and 7).

Nagao et al. does not specifically state desensitizing a deployment algorithm threshold.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nagao et al. to desensitize a deployment algorithm decision threshold when a vehicle is traveling below a predetermined speed for a predetermined time (any) in order to better control the airbag system such that the airbags are not unnecessarily deployed when not needed. Regarding claim 12, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to set the threshold speed at 7 mph as the selection of such a threshold would involve only routine skill in the art.

3. Claims 1, 4-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullinger et al. (US 6,031,484) in view of Nagao et al. (US 6,594,570).

Bullinger et al. disclose a method of deployment discrimination for an air bag deployment command comprising the steps of: 1) determining whether a vehicle is in motion (see column 7, lines 60-67); and 2) selectively sensitizing a deployment algorithm decision threshold in response to step 1 (see column 9, lines 39-41). Step 1 further comprises determining whether the vehicle is traveling above a predetermined speed (see column 6, lines 35-44). Step 2 comprises the step of requiring a predetermined input level from a multiple of satellite sensors (5.1, 5.2). The threshold level can be considered a safing level or a plausibility level.

Bullinger et al. fails to show desensitizing the deployment algorithm when below a predetermined speed.

Nagao et al. is discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bullinger et al. with the teachings of Nagao et al. to desensitize a deployment algorithm decision threshold when a vehicle is traveling below a predetermined speed for a predetermined time (any) in order to better control the airbag system such that the airbags are not unnecessarily deployed when not needed. Regarding claim 11, it would have been obvious to one of ordinary skill in the art at the time the invention was made to set the threshold speed at 7 mph as the selection of such a threshold would involve only routine skill in the art.

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Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication should be directed to David Dunn at telephone number 571-272-6670.



David Dunn
SPE
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